

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

**MISSOURI PROTECTION &)
ADVOCACY SERVICES, et al.,)
)
)
Plaintiffs,)
)
v.) **Case No. 2:22-cv-04097-RK**
)
**JOHN R. ASHCROFT, et al.,)
)
)
Defendants.)****

DEFENDANTS' JOINT MOTION TO STAY PROCEEDINGS

Defendants Missouri Secretary of State John R. Ashcroft, Kansas City Board of Election Commissioners, St. Louis County Board of Elections, and Boone County Clerk Brianna Lennon, provide this joint status report as requested by the Court in its January 17, 2024 Order [Doc. 60].

1. On October 12, 2022, this Court issued a docket entry [Doc. 50] requesting that the parties provide their position on whether this case should be stayed pending the Eighth Circuit's resolution of *Arkansas United v. Thurston* (No. 22-2918). In response, Plaintiffs and Defendants filed two separate submissions generally agreeing that this case should be stayed pending resolution of the *Arkansas United* case. [Docs. 51 and 52, respectively].

2. Defendants believe that this matter should continued to be stayed.

3. On November 20, 2023, the Eighth Circuit issued an opinion in a different case, *Arkansas State Conference NAACP v. Arkansas Board of Apportionment* (No. 22-1395), available at 86 F.4th 1204 (8th Cir. 2023) (the "Arkansas NAACP" case). In that case, the Eighth Circuit held that § 2 of the Voting Rights Act does not grant a private

cause of action to enforce that section. *Id.* at 1218. On December 11, 2023, the Appellants—who were the challengers against the state law in question—filed a petition for en banc rehearing, and on December 26 the State Respondents filed a response opposing en banc rehearing.

4. The *Arkansas United* case—which formed the basis for the stay order in this case—in turn has been stayed pending resolution of the *Arkansas NAACP* case. On September 14, 2023, the Eighth Circuit denied a motion to resume the *Arkansas United* case. No similar motion has been filed in the *Arkansas United* case since the *Arkansas NAACP* case was decided.¹

5. As the *Arkansas NAACP* case has pending motions for further rehearing and the *Arkansas United* case is still stayed, Defendants believe that this case should continue to be stayed. Defendants believe that final resolution of both of those cases will aid the parties and this Court in analyzing the issues presented in this case.

Respectfully submitted,

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¹ The *Arkansas United* case has been consolidated with another case that has the same plaintiffs and thus has a similar case style. That case number is No. 23-1154.

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January 2024, I electronically filed the foregoing with the Clerk of the Court using the Court's CM/ECF system, which sent notification to all counsel of record.

/s/ Jason K. Lewis